

CLERK OF CIRCUIT COURT

Funding history at a glance:

<u>FY 2009 Actual</u>	<u>FY 2010 Actual</u>	<u>FY 2011 Actual</u>	<u>FY 2012 Budgeted</u>	<u>FY 2013 Recommended</u>	<u>Increase (Decrease)</u>	<u>% Change</u>
\$558,845	\$488,989	\$472,286	\$472,498	\$502,463	\$29,965	6.34

Included:

1. Mandated 5% cost of living adjustment for full-time employees, effective 7/1/2012
2. Mandated increases in VRS, group life

Other:

1. Shifts 5% employee share of VRS to employees
2. Passes 100% of medical insurance increase to employees

FYI:

1. Budget includes 7 FTE's
2. Salaries and benefits account for 93.5% of total budget

Projected revenue sources:

State Revenue	\$ 290,346
Reduction in State Aid	(10,774)
Technology Trust Fund	10,000
Cost Collection	2,500
Cost Collection Carryover	4,600
Copies/Passport	3,400
Local Revenue	202,391
TOTAL	\$ 502,463

	Prior Years		Current Year		2012/2013 Budget Year	
	Expenditure	Expenditure	Expenditure	Actual	Request	Adopted
	2008/2009	2009/2010	2010/2011	2012/02	County Admin	Budget
	2008/2009	2009/2010	2010/2011	2012/02	Request	Budget
* CLERK OF THE CIRCUIT COURT *						
021600	310,931	310,931	310,931	209,375	335,496	335,496
021600-1100 SALARIES & WAGES REGULAR						
021600-1200 OVER-TIME SALARIES						
021600-1300 PART-TIME SALARIES/CUSTODIAN	6,423	5,769	2,885	1,457	3,000	3,000
021600-1325 SICK LEAVE						
021600-1350 PART-TIME SALARIES						
021600-1375 COMPENSATION - REFORMATTING GR						
021600-1700 COMPENSATION - OTHER						
021600-1800 SALARY SUPPLEMENT/COSTS FUNDS	2,500	2,501	2,501	1,667	2,500	2,500
021600-2100 FICA	23,271	23,220	23,055	15,446	25,895	25,895
021600-2210 RETIREMENT	30,762	33,017	35,335	23,792	48,815	48,815
021600-2215 RETIREMENT - EMPLOYEE SHARE	15,663	15,663	15,663	10,546		
021600-2300 HOSPITAL PLAN	40,017	42,617	46,015	33,192	49,788	49,788
021600-2400 GROUP INSURANCE	2,569	1,856	877	591	4,429	4,429
021600-2500 INSURANCE MISC & REINS	385					
021600-2600 UNEMPLOYMENT INSURANCE	278	410	490	10		
021600-2700 WORKER'S COMPENSATION	664	543	408	354		
021600-3120 AUDITING	3,103	2,065		2,354	3,000	3,000
021600-3310 REPAIR & MAINTENANCE	218					
021600-3320 MAINTENANCE SERVICE CONTRACTS	1,550	2,190	2,839	1,891	2,840	2,840
021600-3325 CONTRACTUAL SERVICES/PHOTO CHU	1,850		406			
021600-3500 PRINTING & BINDING						
021600-3846 INDEXING						
021600-3847 TECH TRUST FUND/IMAGING	99,453	31,340	17,321	16,566	15,000	15,000
021600-3860 SECURITY SYSTEM GRANT/CAMERAS						
021600-3861 REFORMATTING GRANT						
021600-3862 RECORDS GRANT/2009A-42		4,999		1,380		
021600-3863 GRANT - BOOK RESTORATION						
021600-3864 GRANT-ITEM CONSERV/20110-44C55						
021600-3865 GRANT-ITEM CONSERV/20126-29C54						
021600-3866 GRANT-RECORDS PRESERVATION/201						
021600-5210 POSTAL SERVICES	4,338	2,449	3,049			
021600-5230 TELECOMMUNICATIONS	2,022	2,089	2,520	2,359	3,400	3,400
021600-5500 TRAVEL CONVENTION & EDUCATION	353		2,195	1,325	1,900	1,900
021600-5810 DUES & MEMBERSHIP	420	320				
021600-5830 COLLECTION FEE ACCOUNT	1,987					
021600-6001 OFFICE SUPPLIES	8,902	5,758	5,856	4,789	5,750	5,750
021600-6005 HOUSEKEEPING & JANITORIAL SUPP						
021600-6014 OTHER OPERATING SUPPLIES	1,186	52	150	105	150	150
021600-8201 EQUIPMENT						
--TOTAL DEPARTMENT--	558,845	488,989	472,286	327,199	502,463	502,463
TOTAL - * CLERK OF THE CIRCUIT COURT *	558,845	488,989	472,286	327,199	502,463	502,463

TOTAL FOR FUND

FINAL TOTAL

NAME	POSITION	DATE HIRED	YEARS OF SERVICE **	GRADE	SALARY LOW 2012-	RANGE HIGH 2013	2011-2012 CURRENT SALARY	PROPOSED PAY PLAN 2012-2013
as of 9/1/12								
CLERK OF THE CIRCUIT COURT								
FRANCIS, RICHARD L.	CLERK OF THE CIRCUIT COURT	N/A		N/A	N/A	N/A	106,405	111,726
JARRATT, DOROTHY U.	DEPUTY CLERK IV	04/01/87	25	23	32,902	50,998	48,119	50,525
EVERETT, KATHLEEN B.	DEPUTY CLERK III	07/19/93	19	20	28,422	44,054	37,294	39,159
CROSS, MELANIE H.	DEPUTY CLERK III	07/01/94	18	20	28,422	44,054	37,294	39,159
SIMMONS, HEATHER R.	DEPUTY CLERK II	11/01/94	17	18	25,780	39,959	34,295	36,010
KANNAN, THERESA L.	DEPUTY CLERK II	02/01/01	11	18	25,780	39,959	31,782	33,372
BEATTY, LINDA	DEPUTY CLERK I	04/01/08	4	16	23,383	36,244	24,328	25,545
							335,496	

** To calculate years of service, employee must be employed prior to September of any year.

	Prior Years		Current Year		2012/2013 Budget Year	
	Expenditure	Expenditure	Adopted	Actual En	Request	County Admin
	2008/2009	2009/2010	Budget	2011/12		Recommends
* CLERK OF THE CIRCUIT COURT *						
021600	310,931	310,931	310,931	156,510	335,496	335,496
021600-1100					0	0
021600-1200					3000	3000
021600-1300	6,423	5,769	3,000	1,037	0	0
021600-1325					0	0
021600-1350					0	0
021600-1375					2500	2500
021600-1700	2,500	2,501	2,500	1,251	0	0
021600-1800					25,895	25,895
021600-2100	23,271	23,220	24,513	11,539	48,815	48,815
021600-2210	30,762	33,017	35,806	17,785	0	0
021600-2215	15,663	15,663	15,872	7,884	0	0
021600-2300	40,017	42,617	49,788	24,894	49,788	49,788
021600-2400	2,569	1,856	889	442	4429	4429
021600-2500	385				0	0
021600-2600	278	410	490	5	0	0
021600-2700	664	543	408	354	0	0
021600-3120	3,103	2,045	3,000	2,354	3000	3000
021600-3310	218				0	0
021600-3320	1,550	2,190		1,402	2840	2840
021600-3325	1,850		406		0	0
021600-3500					0	0
021600-3846					0	0
021600-3847	99,453	31,340	8,000		15,000	15,000
021600-3860					0	0
021600-3861					0	0
021600-3862					0	0
021600-3863		4,999		1,380	0	0
021600-3864					0	0
021600-3866					0	0
021600-5210	4,338	2,449	3,400	1,800	3400	3400
021600-5230	2,022	2,089	1,900	949	1900	1900
021600-5500	353				0	0
021600-5810	420	320			0	0
021600-5830	1,987				0	0
021600-6001	8,902	5,758	5,750	3,503	0	0
021600-6005					5750	5750
021600-6014					0	0
021600-8201	1,186	52	150	185	150	150
021600-8201	558,845	488,989	472,498	233,194	500	500
---INITIAL DEPARTMENT---						

TOTAL - * CLERK OF THE CIRCUIT COURT *

502,463 502,463

TOTAL FOR FUND

2-157

FINAL TOTAL

233,194

472,498

472,286

488,989

558,845

472,286

472,498

488,989

558,845

502,463

502,463

3 single, 2 dual, 1 family

copier leases
carryover funds utilized

Lynette Lowe

Clerk of the Court

From: RFrancis@courts.state.va.us
Sent: Wednesday, March 14, 2012 8:40 AM
To: Lynette Lowe
Cc: djarratt@courts.state.va.us
Subject: Re: technology trust fund expenditures for FY2013

Hello Lynette,

Sorry for the delay in responding, but I was out last week while my daughter was on Spring Break.

I thank you for writing me back on this topic.

The monies at issue come from the "extra effort" made to collect delinquent Court Costs, which some Counties hire outside collection companies, but which we pursue. 1/2 of these collected fees goes to the State, 1/4 to the Commonwealth's Attorney and 1/4 to the Clerk's Office. I know of no reason why I should not be able to control/direct my office's portion of these funds as does the Commonwealth's Attorney. Until the last few years, the Clerk was able to hold these funds (subject, of course, to State audit).

We expect the FY2013 Technology Trust Fund expenditures to approach \$15,000.

At present, the County/we get about half of the projected TTF expenditures in the form of TTF \$1 money. As to the remaining half, the County/we get perhaps 80% reimbursement in the form of COIN reimbursement. It is my intention to use a portion of these "cost collection funds" to pay the remaining portion of the TTF expenditures that are not COIN reimbursed.

While speaking about budget matters, I do not see where the "excess photocopy fees" or the Passport Postage that I deliver to the Treasurer each month appear in my budget. These total an average of about \$325 and \$40 each month, respectively.

COPY

3-100-018990-0005
\$ 3000

Again, I appreciate your following-up, and I am not trying to "rock the boat", only to restore the boat to its original condition similar to the craft in the adjoining slip.

PAMC

3-100-018990-0004
\$ 400

Your Friend,
Rick

-----"Lynette Lowe" <llowe@co.southampton.state.va.us> wrote: -----

To: <RFrancis@courts.state.va.us>
From: "Lynette Lowe" <llowe@co.southampton.state.va.us>
Date: 03/05/2012 06:02PM
Subject: technology trust fund expenditures for FY2013

Rick,

What do you project the FY2013 Technology Trust fund expenditures to be? I am not sure what to put on that budget line.

2-158

RICHARD L. FRANCIS

Clerk of the Circuit Court

22350 Main Street

P.O. Box 190

Courtland, VA 23837

(757) 653-2200

(757) 653-2547 fax

rfrancis@courts.state.va.us

4-100-21600

February 22, 2011

Mr. Michael Johnson
County Administrator
SOUTHAMPTON COUNTY
26022 Administration Ctr. Drive
Courtland, VA 23837
Hand Delivery

RE: FY 2012-2013 Budget Estimates

Dear Mike,

I thank you and the Board for again providing an opportunity for budget estimate input for the next fiscal year. You are free to consider this an "open letter" which can be shared with each of the Supervisors in its entirety. I apologize for this letter being tardy, caused by my illness last week.

While there are many signs of improvement in the economic picture for the Commonwealth and the Nation as a whole, I recognize that local money remains very tight. While we have several new members on the Board of Supervisors, I assume that, as expressed in 2009, it remains the goal of the Board to; (1) avoid a tax increase and, (2) not compromise the core services upon which Southampton County residents rely. Accordingly, I have carefully reviewed our past expenditures and have evaluated our future needs (as best as can be determined).

In summary, I am not asking for any budget increase for the 2012-2013 fiscal year. I do seek "recapture" of my office's efforts to aggressively pursue "delinquent cost proceeds", but remain committed to designating the vast majority of these funds to the *Technology Trust Fund* shortfall which I believe the State unfairly passes to the County (discussed below). Lastly, there are some categories discussed herein that have "\$0" balances, as I have attempted to personally absorb the expenditure(s). I may be the only Constitutional Officer making this sacrifice, and I would appreciate the funding being restored when the budget first permits.

I would invite the Board, especially the new members, to take a few minutes and review my previous Budget Estimate letters. As can be seen from my 2009 and 2010 letters, this office has scaled back funding requests in all areas. It is my policy to cut as "close to the bone" as possible and to alert you and the Board in what areas I may have to retreat from such an aggressive series of cuts.

Line 5210 - Postal Services, remain at \$3,400.00. Being 60% into the year, it is still too early to say for sure that last year's \$400 increase will meet the directive of our Chief Judge to enlarge the group from which juries were previously called. Unfortunately, from this enlarged "pool", our percentage of people appearing for jury duty has decreased and even reached such a low point that the Judge issued Show Causes against 40 or more individuals. Additionally, our Judges now grant (practically) every inmate's request to proceed before the Court without paying costs. As you can imagine, this impacts not only our postage budget, but our copy expense and staff's time as well.

I should have a "comfort level" established once this year's budget cycle has ended.

Line 6001 - Office Supplies, remain at \$5,750.00. While our Judges have not yet "bought into" the idea, and recognizing that some technological/legislative changes will be required, I am positioning this office to be ready to go "paperless" at first opportunity. My primary motivation is to save costs; ie file folders, file cabinets, floor space, paper, etc. Once implemented, I would expect a one or two year increase in supply funding, probably in 2013 or 2014, and thereafter a decrease.

Line 1300 - Part-Time Salaries/Custodian, maintain at \$3,000. The reader will recall that last year I reluctantly recommended reducing this category from \$5,870 to \$3,000 (it was budgeted at \$6,065 in 2008). My thanks must go to Ms. Hedgepeth who has maintained a high level of cleaning even though her schedule has been reduced to one day-per-week. Recycling has also helped. Since I volunteered to "man" the Courthouse's recycling, my office has been able to approach the County's 25% (by weight) recycling goal and, thus far, I have not had to ask Gloria Mason to assist in our trash removal. In this regard, we are "*Robbing Peter to Pay Paul*" as grit is the greatest contributor to carpet wear. As I mentioned over the last two years, at some point, the Records Room's tile floor will need some attention in the way of waxing, repair and/or replacement.

Line 5500 - Travel, Convention & Education, maintain at \$0.00. As you know, continuing education is essential to "keeping up" with changes in statutes and technology. For the last two years, I have been paying for training related travel, Clerk's Convention and VALECO meetings all out-of-pocket. I spent over \$400 in 2009 and more than \$1,000 in 2010 expenditures which would otherwise be included in this category. I still hold on to the "perfect world" senario in which I hope to be reimbursed for these personal expenditures if the budget situation improves by the end of my term. I realize that I cannot get any assurances in this regard. I would ask that this budget item be restored to at least the 2008 level as soon as County finances permit.

Line 5810 - Dues and Membership, maintain at \$0.00. This past year I have paid the Clerk's Association dues (\$300) out of my own pocket and VALECO's dues (\$120). Both of these groups have been instrumental in keeping the State reimbursement to the County as high as it is. Both the County and City of Franklin benefit from having two additional lobbying voices "sounding off" on behalf of increasing reimbursements. Again, I hope to one day live in a "perfect world" as mentioned above. I would ask that this budget item be restored to at least the 2008 level as soon as County finances permit.

asked
in FY 2010
for
FY 11
Budget

Line 3310 - Repair and Maintenance, maintain at \$0.00. When I took office this category was budgeted at \$1,997. Last year, I suggested reducing it from \$1,000 to \$750 and, instead, it was removed in its entirety. The reader will recall my acknowledgement from my 2009 budget letter that I am again “robbing Peter to pay Paul” in forgoing a service contract for our plat scanning machine (surveyor sized). We were again lucky in 2010-2011 and did not need any service calls for this machine.

My office still needs some wiring modifications to permit a handicap accessible terminal. The handicapped public is not able to take advantage of the equipment in place, as the present wiring (which crosses the floor) acts as an impassible “speed bump”. I remain hopeful that Jackie will be able to assist me in this regard. I would ask that this category be restored, even if left with a \$0 balance as there will come a time when we will need to “repay Peter”.

Line 6014 – Other Operating Supplies, maintain at \$150.00.

Line 8201 – Equipment, maintain at \$500. As you may have seen in your e-mail, I have implemented a program of corresponding with the other local governmental offices via e-mail to see if any other department can use some of my surplus items and to see if they have any item I need among their surplus items. I have a constant need for legal-sized file cabinets. Thus far, I have been unsuccessful in my attempt to procure Camp Foundation funding for some needs in this area. I plan to continue to utilize the discounts available at the Richmond State Surplus office, but transportation and scheduling continue to be problematic.

Line 3847, Recapture of Delinquent Court Costs Proceeds. The State “rewards” clerks and Commonwealth’s Attorneys who actively pursue delinquent Court Costs owed to the State, recognizing the associated staff time involved. There is paperwork, office staff time and Court presence involved in pursuing these costs. As Clerk, I have successfully pursued delinquent criminal debtors through Bankruptcy and through the levy of liens in other jurisdictions. For every dollar collected, the State gives the Commonwealth’s Attorney and the Clerk’s Office 30 cents, each (about \$8,000).

Two years ago, I agreed to let the funds be applied to the “technology trust fund” shortfall and some of the other Constitutional Officer expenses that are being “pushed upon” the locality by the Commonwealth. Last year it was apparently just “assumed” that the delinquent costs funds would be so allocated. While I am sure I would have agreed, I was not even asked and these funds should be returned to my direction (the Commonwealth’s funds have not been so “designated”). In my view, these funds should be applied to the shortfall in Technology Trust Funding which is being “pushed” upon the locality by the state to the tune of about \$7,000 per year. I don’t mind being a “team player” but I don’t want to be the only one “playing”.

As background on the **Technology Trust Fund**: The Supreme Court of Virginia provides the software, manuals, forms, redaction, hardware contributions and basic technology support for our equipment – for which they charge a fee. The Code provides that a certain portion of filing fees be used to fund this Technology Trust Fund (TTF), which funds are then allocated between the Clerks offices by the Office of the Executive Secretary of the Supreme Court by some formula where “wealthy” cities/counties receive \$4 out of every \$5 and smaller counties receive the remaining \$1. We are a smaller county. For the past two years the State has

been “robbing” this fund for its budget and so, the Executive Secretary has been only allocating about half of what the State charges us for support (historically, we have been fully funded). Accordingly, I have been obliged to turn a \$7,000 bill over to the County during the final quarter to pay for this “shortfall”. I agree that this “robbing” and shortfall is not fair to my County and so it is my intent to designate the delinquent Court Cost funds to this “shortfall”, but since the Court Cost funds now appear as routine budget funding, it looks to the public that I am routinely over budget in this area.

On the Horizon:

(1) Going Paperless. We will never be completely paperless in my lifetime, but we have the potential of reducing our current, physical, permanent paper files by 85%. Depending on the State Statutes adopted, we will “hold” case paperwork for 3 years (will need banker boxes and storage shelves) and then all suit paperwork would be viewed on-line (Judge will need much larger computer screen(s) on the judges’ bench which will require some construction work).

Other Items of Interest (many brought forward from prior correspondence):

Credit Card Machine has been installed and is working without complications. The “user fee” of 3% is born by the card user and is not passed along to the taxpayers of Southampton and the City of Franklin.

Wireless Router, for which I personally paid, is working well providing coverage in the Records Room. This has been a HUGE help with researchers and the open house/free genealogy classes we hold annually in an attempt to educate residents of the great resource we have here.

Southampton Records Project has been the best thing to happen to our pre-1880 records. These records can all be freely viewed via the Southampton County Home Page link. Mr. Ken Brantley did this County and History a great service – and did so under budget. We are the only Courthouse in the Nation to have similar records and the GREAT index available on-line. I continue to get comments from across the United States telling me how much the site is appreciated. We have still not noticed any reduction in our photocopy income because of this project. Permanent “hosting” remains a concern. I thank the Board for the initial \$5,000 budgeted for this project (which has not yet been fully consumed). It is interesting that Isle of Wight has just agreed to let Mr. Brantley duplicate and index their records.

Southampton’s GIS and VAMANET are available at all of our public use terminals. By using *Technology Trust Fund* money, we have been able to replace all but one computer in anticipation of the move to Windows 7.

This office is always looking for ways to save money. We are creating our own Letterhead, taking our own shredded trash, and even returning unusable stamps to the Post Office for credit.

Lastly, I ask you to take note:

Office staff were not included in the 3% bonus given to State employees in 2010. Nor have staff benefited from any 5% increase/offset offered to State employees. The only increase in pay since 2008 has been the 2% County raise in late 2011. I would urge the Board to address raises at the first opportunity.

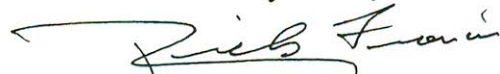
During the past fiscal year (10-11), this office collected over \$2,057,443.39, of which more than \$666,760.49 was returned directly or indirectly to the County.

My office is charged with more than 800 separate duties, which are attended to by a staff of six and myself. The state says my office should have six and a half staff members, plus the Clerk. With such a broad range of duties (Court, Probate, Land Records, Debt Liens, Criminal, Civil, etc.) there is no way that 3 or 4 can be "versed" in all aspects of the job. In most states, the duties assigned to Virginia Clerks are distributed among three separate Clerk offices (Probate, Land, Civil/ Criminal). Accordingly, the County and Commonwealth have both invested great sums in past training (necessitated by the great diversity in mandated duties). We have no non-skilled positions.

The only non-mandated duties performed by this office are; (1) serving this area as Passport Agents, (2) collecting delinquent Court Costs, and (3) selling hunting licenses. There is not another passport agent between Suffolk and Emporia.

Thanking you and the Board for the opportunity of having input on these matters, I remain

Sincerely Yours,

A handwritten signature in dark ink, appearing to read "Rich Francis", with a stylized flourish extending to the left.

Richard L. Francis